

REMARKS

In the Office Action dated January 6, 2004, the U.S. Patent Examiner states that Claim Nos. 1 – 39 are pending in the application. Claims Nos. 32 – 39 are currently withdrawn; Claims Nos. 1 – 6 are allowed; Claim Nos. 7 – 16, 19 – 22, and 26 – 31 are rejected; and Claim Nos. 17, 18, and 23 – 25 are objected to.

With regard to Claim Nos. 32 – 39, Applicant retains the right to file a Divisional Patent Application incorporating the withdrawn claims. With regard to Claim Nos. 1 – 6, Applicant agrees with the statements made by the U.S. Patent Examiner in Paragraph No. 3 on Page No. 9 of the Office Action under the heading ALLOWABLE SUBJECT MATTER. With regard to Claim Nos. 17 – 31, Applicant has elected to cancel the claims. However, with specific reference to “objected to” Claim Nos. 17, 18, and 23 – 25, Applicant submits herewith new Claim Nos. 40 – 48, which claims incorporate the subject matter of canceled Claim Nos. 17, 18, and 23 – 25.

In light of the U.S. Patent Examiner’s rejections under 35 U.S.C. § 112, Applicant has drafted new independent Claim Nos. 40 and 44. Independent Claim No. 40 incorporates the subject matter of rejected independent Claim No. 13 and objected to dependent Claim No. 17. It is noted that the U.S. Patent Examiner has summarily indicated that Claim Nos. 7 – 31, inclusive, are confusing in scope, particularly with reference to whether the “structural support” is claimed in combination with the other listed components. From an inspection of rejected Claim No. 13, however, it will be seen that the claim makes no reference to a “structural support”. Claim No. 13 (as once amended) is reproduced hereunder for the U.S. Patent Examiner’s quick inspection:

“13. An apparatus for shielding a columnar structure supporting device comprising:
a first adjustable band member;
a second adjustable band member; and
an adjustable shield member for shielding the columnar structure supporting device,
the second adjustable band member for coupling the first adjustable band member with
the adjustable shield member, the first adjustable band member for enclosing the second
adjustable band member.”

Further, rejected dependent Claim Nos. 17 and 18 make no reference to a
“structural support”. Thus, it is not understood how rejected independent Claim No. 13
and dependent Claim Nos. 17 and 18 have been rejected as being indefinite (confusing in
scope with regard to whether the structural support is claimed in combination with the
other listed components). In any event, newly drafted independent Claim No. 40
attempts to more properly claim the subject matter appearing in rejected independent
Claim No. 13 and rejected dependent Claim No. 17 according to the U.S. Patent
Examiner’s statements in Paragraph No. 2 on Page No. 9 of the Office Action under the
heading ALLOWABLE SUBJECT MATTER. Newly drafted dependent Claim No. 43 is
reflective of former dependent Claim No. 18 and has been made dependent upon new
independent Claim No. 40.

Newly appearing dependent Claim 41 includes, as a necessary component to the
assembly as claimed in independent Claim No. 40, a columnar structural support.
Dependent Claim 41 has been added, in part, in an attempt to clarify the scope of Claim
No. 40 (in distinction from Claim No. 41). It has been noted that the U.S. Patent
Examiner has summarily stated in bold highlight in the last sentence of Paragraph No. 2

on Page No. 2 that **"The claims are examined as best understood as claiming a combination between the device/apparatus and the structural support."**

While Applicant maintains that Claim No. 13 and Claim No. 17 are not confusing in scope and thus are properly definite, Claim No. 41 has been introduced. If the U.S. Patent Examiner is of the opinion that Claim No. 40 is only allowable if the subject matter of Claim No. 41 is incorporated into Claim No. 40 (the assembly is only allowable if it includes the columnar structural support), the U.S. Patent Examiner is respectfully invited to contact the undersigned attorney so that the U.S. Patent Examiner may be properly authorized to make the necessary amendment by way of an Examiner's Amendment, if this method of amendment is agreeable to the U.S. Patent Examiner. In this last regard, the U.S. Patent Examiner is kindly requested to avoid the issuance of a further Office Action if the same can be avoided.

Newly drafted dependent Claim No. 42 has been made dependent upon newly drafted dependent Claim No. 41 to define the select support end.

Newly drafted independent Claim No. 44 incorporates the subject matter of rejected independent Claim No. 19 and dependent Claim Nos. 20 and 23 according to the statements made by the U.S. Patent Examiner in Paragraph No. 2 on Page No. 9 of the Office Action. Further, dependent Claim Nos. 45 and 46 have been drafted to reflect former dependent Claim Nos. 24 and 25, respectively, in accordance with the statements made by the U.S. Patent Examiner in Paragraph No. 2 on Page No. 9 of the Office Action.

Newly drafted dependent Claim Nos. 47 and 48 have been respectively introduced to define the select structural support and the select support end of Claim No. 44.

It is believed that this amended application is now in immediate condition for allowance, and such action is kindly requested. If, after a review of this Amendment, issues remain which may be resolved by a telephone interview, the U.S. Patent Examiner is cordially invited to call the Applicants' undersigned attorney. If attempts to reach the undersigned attorney are not successful, please be advised that Christopher J. Scott, Registration No. 48,647, may also be contacted with regard to this matter. Mr. Scott has been in regular communication with the undersigned regarding the most recent Office Action and this Amendment. Further, Mr. Scott is listed under our firm's Customer Number with the United States Patent and Trademark Office, namely, Customer Number 30114, and thus may be deemed a proper representative of Applicant.

Respectfully submitted,
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